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AN OVERVIEW OF ENDREW F.: IMPLICATIONS FOR STUDENT BEHAVIOR

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An Overview of *Endrew F.*: Implications for Student Behavior

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Introduction

E*ndrew F. v. Douglas County School District* (2017) is an U.S. Supreme Court case that clarified what is meant by a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Act (IDEA, 2004; the nation's law of special education) while highlighting the role of supporting a student's behavior to enable the student to make progress. With this specific inclusion of behavior as a key thing to consider, *Endrew F.* is an important and relevant case for the PBIS community in terms of encouraging stakeholder involvement and engaging in effective data-based decision making.

More specifically, the U.S. Supreme Court (2017) ruled that Individualized Education Programs (IEP) must give students with disabilities more than a minimal educational benefit to meet FAPE. To see if there is a benefit, IEP teams have to consider student's progress. This brief highlights some implications of *Endrew F.* for IEP teams, including the importance of the input of parents* in designing appropriate educational support plans for students with disabilities.



Who is Endrew F.?

Endrew F. was a student with autism who was receiving special education services documented in an IEP. His parents had shared several concerns with the IEP team such as: (a) goals and objectives on his IEP did not change much from grades 4 to 5 and (b) he was showing challenging behaviors in school that were not being addressed (e.g., wandering from his classroom, banging his head on his desk). His parents asked the team to change his IEP, and when they did not do so sufficiently, his parents withdrew *Endrew F.* and placed him in a private school.

At the private school, *Endrew F.* received more academic and behavior support, including supports documented in a Behavioral Intervention Plan (BIP). His challenging behaviors decreased, and he began to make academic gains. The parents and public school discussed having him return, but the IEP team did not adopt the new program, including the BIP that had proven successful at the private school. In response, his parents asked the school district for reimbursement of the private school tuition, claiming that he was not receiving FAPE. After winding its way through the court system, eventually, the U.S. Supreme Court decided to hear the case.

What is Significant About this Case?

Before *Endrew F.*, the standard for FAPE was the *Rowley* standard. This standard could be met if (a) there



were not procedural violations (e.g., parents were given notice of meetings) and (b) the IEP plan was reasonably calculated for the student to “benefit educationally” (*Rowley*, 1982, p. 204). Cases after *Rowley* argued what was meant by the term “benefit.” Eventually there were different ways to satisfy that a student was receiving “some benefit” depending on where a school was located.

In its decision on *Endrew F.*, the U.S. Supreme Court re-affirmed *Rowley*, but clarified that what was meant by “benefit” was not minimal (e.g., merely more than “de minimis”). Instead, it mattered if the IEP allowed the student to **make progress** appropriate to her or his unique needs (*Endrew F.*, 2017).

* We have used the term “parent” but intend it to be broad. The definition of a “parent” from IDEA, includes: “(a) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent); (b) a guardian (but not the State if the child is a ward of the State); (c) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or (d) except as used in sections 1415(b)(2) and 1439(a)(5) of this title, an individual assigned under either of those sections to be a surrogate parent” (IDEA, §1401(23)).



- For a child that can participate in a regular classroom, the IEP must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances” (*Endrew F.*, 2017, p. 11) and includes considering the grade level curriculum and advancement (*Endrew F.*, 2017, p. 13).
- For a child who needs more intense instruction, progress would be determined by what is “appropriately ambitious in light of his circumstances” (*Endrew F.*, 2017, p. 14).

In the end, the U.S. Supreme Court decided that FAPE had been denied for *Endrew F.* When the case returned to the lower court, the court awarded his family private school tuition and other fees (e.g., attorney fees) (*Endrew F.*, 2018). This ruling has important implications for parents and IEP teams in schools.

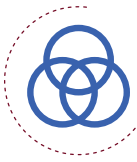
Implications

Following the U.S. Supreme Court ruling on *Endrew F.*, parents have opportunities to more effectively advocate for their child by understanding the results of this court case, and school IEP teams are expected to understand and follow the new ruling. The suggestions listed in Table 1 describe key implications for parents and IEP teams as they: (a) participate and collaborate, (b) expect progress, and (c) understand that behavior matters.



**Table 1. Implications for Parents and IEP Teams**

Key Implications	Parents	IEP Team
Participate and Collaborate	Your opinion is important! Try to attend the IEP team meetings. Ask questions and offer your opinion on your child's progress, strengths, and challenges.	To encourage effective collaboration, the strengths and challenges that parents share need to be considered. A student spends about 6 hours in school, perhaps 5 days a week. That child may spend significantly more time with their families. Parents' perspectives and concerns are important to consider and can provide background for what might work or be needed at school.
Expect Progress	Ask questions if you do not think you see progress. Ask your child's teacher(s) or IEP team to explain the program being provided and why they think it "works." Anticipate them sharing assessment and ongoing data that shows positive change is happening.	<p>When considering progress, IEP teams should consider ways to assess, collect, and reflect.</p> <p>Assess: Use assessment information from multiple sources, such as what is located on the IEP in the Present Levels of Academic Achievement and Functional Performance (PLAAFP) for an IEP goal or a Functional Behavior Assessment (FBA) for a BIP. This will help you design an appropriate goal or intervention that has a likelihood of working.</p> <p>Collect: Start with a baseline level of how the student is performing before starting the intervention or IEP goal. Once the intervention or goal starts, collect data on an ongoing basis.</p> <p>Reflect. Look at that data (not just before a meeting) to see if the student is making any progress. If no improvement is seen, go back and look to see why that is not happening. Did you identify the correct function of behavior? Did you select the best intervention that matches that function? Was the intervention implemented correctly?</p> <p>Make changes based on this reflection, conduct meetings to share with the team and parents, consider new ways to assess, collect, and reflect.</p>
Behavior Matters	If you think your child has behavioral and/or social challenges, ask the IEP team to do assessments on your child's behavior and social-emotional development and a functional performance. If these assessments show a need for services in this area, ask the team to develop, implement, and collect data on the progress of IEP goals and/or Behavior Support Plans (BSP). When data are presented to you, ask for clarification on how to interpret the results – don't be afraid to ask for assistance in understanding the data.	Consider behavior and functional performance in program planning and include needed goals on an IEP and/or interventions through a BIP. Be willing to describe what the data mean, why they are collected, and what types of interventions will be used based on the data collected. Remember, the more that all parties understand why interventions are needed, the better all stakeholders (teachers, support staff and families) will be able to help support the student's success.



Summary

The bottom line for *Endrew F.* is that the U.S. Supreme Court has clarified that FAPE is tied with reasonably calculated progress. In other words, for a student's IEP to provide FAPE, the IEP needs to be developed, implemented, and monitored to enable the student to make progress appropriate in light of her or his circumstances. Additionally, Endrew F.'s parents communicated that his needs were not met and they were concerned about his behavior. From an applied point of view, *Endrew F.* suggests that the input of the parents on the level of progress should be considered. Finally, *Endrew F.* focused on the unmet behavioral needs of the child that were not addressed in his IEP or through a BIP. When he attended a school that provided behavior services, his challenging behaviors decreased and his academic performance improved. For students who exhibit challenging behavior, future IEP teams should (a) consider how challenging behaviors may have adverse impact on the student's education, (b) ask for parent input for the best education planning for their child, and (c) develop, implement, and monitor supports to enable the student to make progress.



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